

be read on three several days in each House be suspended, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Question—Shall the report be adopted?

On motion of Senator Shivers and by unanimous consent, further consideration of the report was postponed until tomorrow, immediately after conclusion of the morning call on that day.

Adjournment

On motion of Senator Shivers, the Senate, at 2:35 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

APPENDIX

Reports of Standing Committees

Committee Room,
Austin, Texas, June 3, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. C. R. No. 2, A resolution expressing the desire of the Legislature that the State Comptroller, the Attorney General, and the State Treasurer of Texas, honor, and allow to be paid warrants for the traveling expenses of the State Commissioner of Agriculture and the State Entomologist on the trip to Washington, etc.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Committee Room,
Austin, Texas, June 10, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bills Nos. 3 and 2 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

TENTH DAY

(Tuesday, June 15, 1937)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Woodul.

The roll was called and the following Senators were present:

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

A quorum was announced present.

The invocation was offered by the Chaplain.

Reading of the Journal of the proceeding of the Ninth Legislative day was dispensed with, on motion of Senator Aikin.

Senate Concurrent Resolution No. 5

Senator Holbrook called from the President's table, for further consideration, at this time, the following resolution (the resolution having been tabled subject to call on yesterday):

S. C. R. No. 5, Relating to custody and use of Hall of State in the City of Dallas.

The President laid the resolution before the Senate.

Senator Hill raised a point of order on further consideration of the resolution, on the ground that it relates to a subject not submitted by the Governor for legislation at the present special session.

The President overruled the point of order.

The resolution was adopted.

Message From the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, June 14, 1937.
Hon. Walter F. Woodul, President of
the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

H. C. R. No. 9, Fixing the effective date of Senate Bill No. 185, Regular Session, Forty-fifth Legislature.

H. C. R. No. 10, Urging the Governor to submit to this Called Session the subject of the regulation of private carrier motor vehicles.

H. C. R. No. 14, Granting Judge Terry Dickens permission to be absent from the State.

H. C. R. No. 15, Granting Judge Alton B. Chapman permission to be absent from the State.

H. C. R. No. 16, Inviting Dr. F. W. Kratz to address a joint session of the Legislature on Tuesday, June 15, 1937.

H. C. R. No. 18, Authorizing the Enrolling Clerk of the House to make certain corrections and changes in House Bill No. 1.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Concurrent Resolution No. 9

The President laid before the Senate the following resolution, received from the House today:

H. C. R. No. 9, Relating to date Senate Bill No. 185, passed at the Regular Session of the Forty-fifth Legislature, becomes effective.

The resolution was read and was referred by the President to the Committee on Educational Affairs.

House Concurrent Resolution No. 10

The President laid before the Senate the following resolution, received from the House today:

H. C. R. No. 10, Requesting the Governor to submit for consideration at this session of the Legislature the subject of regulating of operation of certain classes of motor vehicles.

Senator Burns moved that the rule requiring concurrent resolutions to

be referred to a committee be suspended and that the Senate proceed to consideration of the resolution at this time.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—16

Aikin	Pace
Brownlee	Redditt
Burns	Roberts
Head	Shivers
Hill	Sulak
Lefmens	Weinert
Moore	Westerfeld
Newton	Woodruff

Nays—13

Beck	Nelson
Collie	Oneal
Cotten	Rawlings
Davis	Stone
Holbrook	Van Zandt
Isbell	Winfield
Neal	

Absent.

Small

Absent—Excused

Spears

The resolution was referred by the President to the Committee on State Highways and Motor Traffic.

House Concurrent Resolutions Referred

H. C. R. No. 14 and H. C. R. No. 15, received from the House today, were laid before the Senate, read severally, and referred by the President to the Committee on Judicial Districts.

Conference Committee Report on House Bill No. 1

The President laid before the Senate, as postponed business, for further consideration at this time, the report of the Conference Committee on H. B. No. 1, the report having been submitted on yesterday.

Question—Shall the report be adopted?

Senator Shivers moved that the report be recommitted to the Conference Committee for further consideration.

Yeas and nays were demanded, and the motion to recommit was lost by the following vote:

Yeas—11

Aikin	Shivers
Beck	Sulak
Cotten	Van Zandt
Davis	Weinert
Isbell	Winfield
Pace	

Nays—17

Brownlee	Nelson
Burns	Newton
Collie	Oneal
Head	Redditt
Hill	Roberts
Holbrook	Stone
Lemens	Westerfeld
Moore	Woodruff
Neal	

Present—Not Voting

Rawlings

Absent

Small

Absent—Excused

Spears

Senator Moore moved to reconsider the vote by which the motion to recommit was lost.

The motion to reconsider was lost.

Question recurring on the report, it was adopted.

Sentor Weinert moved to reconsider the vote by which the Conference Committee report on H. B. No. 1 was adopted.

Senator Collie moved to table the motion to reconsider.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—14

Brownlee	Lemens
Burns	Neal
Collie	Nelson
Cotten	Newton
Head	Oneal
Hill	Roberts
Holbrook	Woodruff

Nays—13

Aikin	Davis
Beck	Isbell

Moore	Sulak
Pace	Van Zandt
Rawlings	Weinert
Shivers	Winfield
Stone	

Absent

Redditt	Westerfeld
Small	

Absent—Excused

Spears

House Concurrent Resolution No. 16

The President laid before the Senate the following resolution, received from the House today:

H. C. R. No. 16, Inviting Dr. F. W. Kratz to address a joint session of the Legislature at 11:30 o'clock a. m. today.

On motion of Senator Oneal and by unanimous consent, the rule requiring concurrent resolutions to be referred to a committee was suspended and the Senate agreed to consider the resolution at this time.

The resolution was adopted.

House Concurrent Resolution No. 18

The President laid before the Senate the following resolution, received from the House today:

H. C. R. No. 18, Relating to appropriations for Department of Agriculture.

The resolution was read and was referred by the President to the Committee on Finance.

Senate Concurrent Resolution No. 6

Senator Woodruff offered the following resolution:

Be it resolved by the Senate of the Legislature of the State of Texas, the House of Representatives concurring, That, under the terms and provisions of S. B. No. 139, enacted at the Regular Session of the Forty-fifth Legislature of Texas, 1937, the instructional salaries for North Texas Agricultural College at Arlington, Texas, be upon a nine months' basis; be it further

Resolved, That it was the intention of the Legislature in enacting said S. B. No. 139, to appropriate the

instructional salaries for said North Texas Agricultural College upon a nine months' basis, and the language contained in the opening line of said appropriation for said institution reading "Salaries; (12 months)," is a typographical error and it was the intention of the Legislature that said language should be "Instructional salaries; (9 months)," and such intention is hereby declared.

WOODRUFF,
RAWLINGS.

The resolution was read and was referred by the President to the Committee on Finance.

Report of Standing Committee.

Senator Stone, by unanimous consent, submitted, at this time, the following report:

Committee Room,
Austin, Texas, June 14, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 7, A bill to be entitled "An Act providing that the Supreme Court, or any Court of Civil Appeals, shall have power, or authority, or jurisdiction to issue the writ of mandamus against a peace officer, or magistrate (except magistrates of appellate courts), as defined by the laws of this State, or against any county or district attorney, to compel the performance of any act, or duty, which such peace officer, magistrate or district or county attorney is required by law to perform, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

STONE, Chairman.

Message From the Governor

A Secretary of the Governor was announced by the Doorkeeper and was recognized by the President to present the following message:

Austin, Texas, June 15, 1937.
To the Members of the Forty-fifth Legislature:

According to the public press, amendments have been offered to a

bill to outlaw betting on dog races so as to include every form of trifling wager that might be made on anything, even in private homes.

The fight I have been waging is based upon a desire to outlaw public, commercialized gambling, particularly that which has assumed racketeering proportions, on horse racing, dog racing, slot and marble machines. I do not want to see the government invade the privacy of homes, even by the passage of a law, which would not be enforced, to deal with every trifling form of wager.

The statement has been made that it is wrong to bet or wager anywhere on anything. This is a matter of personal opinions; but, in any event, all moral rights and wrongs cannot be dealt with by law. For instance, it is morally wrong to tell a falsehood anytime or anywhere; but the law has never provided earthly punishment for the telling of a simple falsehood; it only punishes for perjury, false swearing, slander, or swindling. In other words, it only deals with certain types of material commercial falsehoods. I don't think anyone would urge that we should pass a law to put somebody in jail for telling a "fib."

May I respectfully suggest to the vast majority of this Legislature who are sincerely concerned with commercialized, public gambling, or carrying on the business of gambling, that, in my opinion, it is the plan of those who favor legalized gambling on horse and dog races to secure the passage of as extreme and ridiculous a law as possible so as to hasten the return of the form of gambling in which they are interested. I hope that we will not fall into the trap. I hope that no law will be passed by this Legislature dealing with trifles. If it should, I would not feel inclined to approve it. In my opinion, such a law would be impossible of enforcement. It was primarily for this reason that I refused to submit the subject of gambling in general at the outset of this session. I realized then, as did many members of this Legislature, that supporters of horse and dog race gambling would try to load the bill down with as many trifling and extreme amendments as possible.

Please, I urge, let's get back to

fundamentals. Let a man's home continue to be his castle. Let's continue to outlaw commercialized, public gambling—the business of gambling—just as we have outlawed it by the repeal of the pari-mutuel law, and as we hope to outlaw it by an adequate and effective bookie statute, a dog race statute, and by making more effective the law against slot and marble machines.

In this connection, may I remind you of the suggestion of the State's Attorney for the Court of Criminal Appeals that we should be extremely careful about amending or changing our present statutes. They have all been construed and are thoroughly understood by the courts and prosecuting attorneys. He has suggested the passage of new and cumulative statutes to cover conditions which have arisen in recent years; likewise that the subject matters be separated by bills, rather than to try to incorporate too many subjects in the same bill. I think these suggestions are more than worth while.

Respectfully submitted,
JAMES V. ALLRED,
Governor of Texas.

The message was read, and it was referred by the President to the Committee on Criminal Jurisprudence.

(Senator Collie in the Chair, temporarily.)

(President in the Chair.)

Minority Report

Senator Woodruff submitted at this time the report of a minority of the members of the Committee on Criminal Jurisprudence on S. B. No. 7.

Joint Session

At 11:30 o'clock a. m., the President announced that the hour fixed by concurrent action of the two Houses, to meet in joint session to hear an address by Dr. F. W. Kratz, had arrived.

Senator Moore raised the point of order: that the Senate may not meet in joint session with the House at this time, because the concurrent resolution providing for the joint session has not been signed by the Governor.

The President overruled the point of order.

Pursuant to H. C. R. No. 16, the President announced the appointment of the following committee on the part of the Senate to escort Dr. Kratz to the Speaker's stand:

Senators Oneal, Cotten and Newton.

On motion of Senator Holbrook, the Senate agreed to recess at the conclusion of the joint session to 2:00 o'clock p. m. today, and to meet again in the Senate Chamber at that time.

The President of the Senate and the Honorable Senators then proceeded in a body to the Hall of the House of Representatives. They were announced by the Doorkeeper of the House, and by direction of the Speaker, were admitted and escorted to seats prepared for them.

The President of the Senate, by invitation of the Speaker, occupied a chair on the Speaker's stand.

Also seated on the Speaker's stand were Dr. F. W. Kratz, Governor James V. Allred and the members of the joint committees of the House and Senate, appointed pursuant to H. C. R. No. 16.

Governor Allred presented Dr. Kratz, who addressed the joint session.

Recess

At the conclusion of the joint session, the Senate, at 12:10 o'clock p. m., in accordance with the motion of Senator Holbrook previously adopted, took recess to 2:00 o'clock p. m. today.

Afternoon Session

(In the Senate)

The Senate met at 2:00 o'clock p. m. and was called to order by the President.

Senate Resolution No. 7

Senator Davis, by unanimous consent, offered at this time the following resolution:

Whereas, The Governor has this day sent a message to the Senate in

which he makes unjust charges and casts reflections upon the honesty, integrity and sincerity of the Senators who opposed the repeal of pari-mutuel horse racing; and

Whereas, Not a single Senator to whom the Governor refers in his message has offered an amendment to any bill, but on the contrary Senators Rawlings and Weinert and others who opposed the repeal of pari-mutuel horse racing, have worked hard, faithfully and constructively for the passage of effective laws against dog racing and bookmaking; and

Whereas, The Governor was either misinformed as to the facts or is seeking further publicity at the expense of certain members of this Senate; now, therefore, be it

Resolved by the Senate of Texas, That the Senate resents the unjust insinuations and innuendoes in said message against the members of the Senate, and that we commend the Senators who opposed the repeal of pari-mutuel horse racing, and particularly Senators Rawlings and Weinert, who were selected on the subcommittee to handle all anti-gambling bills, for their unselfish and untiring work in an effort to pass effective laws against dog racing and the bookies, and that it was largely through the efforts of Senators Rawlings, Weinert and Collie, the subcommittee appointed by the Criminal Jurisprudence Committee, assisted by Mr. Lloyd Davidson, that the Senate has been able to pass effective laws against dog racing and the bookies; and be it further

Resolved by the Senate of Texas, That the Governor be requested to retract his unjust statements and accusations against the members of this Senate.

The resolution was read, and it was laid before the Senate by the President for consideration at this time.

Pending consideration of the resolution, Senator Head occupied the Chair temporarily.

(President in the Chair.)

Senator Roberts moved the previous question on the adoption of the resolution, and the motion was duly seconded.

Yeas and nays were demanded, and the Senate refused to order the main question at this time by the following vote:

Yeas—9

Brownlee	Shivers
Davis	Sulak
Moore	Van Zandt
Pace	Winfield
Roberts	

Nays—13

Aikin	Lemens
Burns	Neal
Cotten	Nelson
Head	Newton
Hill	Oneal
Holbrook	Stone
Isbell	

Present—Not Voting

Collie	Weinert
Rawlings	Woodruff

Absent

Beck	Small
Redditt	Westerfeld

Absent—Excused

Spears

Senator Davis moved that the resolution be referred by the President to the appropriate committee.

The motion prevailed.

Record of Vote

Senator Moore asked to be recorded as voting "nay" on the motion of Senator Davis.

The resolution was referred by the President to the Committee on Public Health.

Report of Standing Committee

Senator Woodruff, by unanimous consent, submitted at this time the following report:

Committee Room,

Austin, Texas, June 15, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. C. R. No. 6, A resolution construing certain terms and provisions of S. B. No. 139, passed by the Regular Session of the Forty-fifth Legislature of Texas, 1937.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be sent to the House.

WOODRUFF, Vice-Chairman.

**Senate Concurrent Resolution No. 6
Adopted**

The President laid before the Senate, for consideration at this time, the following resolution:

S. C. R. No. 6, Construing certain provisions of S. B. No. 139, as passed by the Regular Session of the Forty-fifth Legislature.

The resolution was adopted.

Report of Standing Committee

Senator Cotten, by unanimous consent, submitted at this time the following report:

Committee Room,
Austin, Texas, June 15, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. C. R. No. 9, Fixing the effective date of S. B. No. 185, Regular Session, Forty-fifth Legislature.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

COTTEN, Chairman.

**House Concurrent Resolution No. 9
Adopted**

The President laid before the Senate, for consideration at this time, the following resolution:

H. C. R. No. 9, Fixing date S. B. No. 185, passed by the Regular Session of the Forty-fifth Legislature, becomes effective.

The resolution was adopted.

Minority Report

The President directed the Secretary to read the following report, submitted today by Senator Woodruff:

Committee Room,
Austin, Texas, June 14, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, a minority of your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 7, A bill to be entitled "An Act providing that the Supreme Court, or any Court of Civil Appeals, shall have power, or authority, or jurisdiction to issue the writ of mandamus against a peace officer, or magistrate (except magistrates of Appellate Courts), as defined by the laws of this State, or against any county or district attorney, to compel the performance of any act, or duty, which such peace officer, magistrate or district or county attorney is required by law to perform, and declaring an emergency."

Have had the same under consideration, and beg to report that said bill, as amended, be reported back to the Senate with the recommendation that it do pass, and be printed.

LEMONS,
WOODRUFF,
HILL,
COLLIE.

The report was read.

Senator Collie moved that the minority report on S. B. No. 7 be adopted in lieu of the majority report on the bill and asked to have the motion spread upon the Journal.

Senate Resolution No. 8

Senator Oneal offered the following resolution:

Whereas, The distinguished Junior United States Senator of Texas, Hon. Tom Connally, is present in the Senate Chamber; therefore be it

Resolved by the Senate, That he be extended the privileges of the floor and be invited to address the Senate.

ONEAL,
NEWTON.

The resolution was read and was adopted.

Accordingly, the President appointed Senators Neal, Holbrook, Westerfeld and Newton to escort Hon. Tom Connally to the President's stand.

The President then presented United States Senator Connally, who addressed the Senate briefly.

Adjournment

On motion of Senator Holbrook, the Senate, at 3:35 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

ELEVENTH DAY

(Wednesday, June 16, 1937)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Woodul.

The roll was called and the following Senators were present:

Aikin	Nelson
Beck	Newton
Brownlee	Oneal
Burns	Pace
Collie	Rawlings
Cotten	Roberts
Davis	Shivers
Head	Stone
Hill	Sulak
Holbrook	Van Zandt
Isbell	Weinert
Lemmens	Westerfeld
Moore	Winfield
Neal	Woodruff

The following Senators were absent and excused:

Redditt	Spears
Small	

A quorum was announced present. The invocation was offered by the Chaplain.

Reading of the Journal of the proceedings of yesterday was dispensed with, on motion of Senator Aikin.

Leaves of Absence

Senator Redditt was granted leave of absence for today, on account of important business, on motion of Senator Shivers.

Senator Spears was granted leave of absence for today, on account of important business, on motion of Senator Aikin.

Senator Small was granted leave of absence for today, on account of important business, on motion of Senator Nelson.

House Concurrent Resolution No. 2

The President laid before the Senate, for consideration at this time, the following resolution:

H. C. R. No. 2, Relative to paying traveling expenses of Commissioner of Agriculture and State Entomologist to make trip to Washington, D. C.

Senator Burns raised a point of order on further consideration of the resolution, on the ground that it relates to a subject not submitted by the Governor for consideration at the current special session of the Legislature.

The President sustained the point of order.

Message From the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives, Austin, Texas, June 16, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has laid the following resolution on the table by a vote of 90 yeas and 38 nays:

S. C. R. No. 4, Setting the date of Wednesday, June 16, 1937, at 6 p. m., for sine die adjournment of the First Called Session, 45th Legislature.

The House has adopted the Conference Committee Report on House Bill No. 1 by a viva voce vote.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

At Ease

On motion of Senator Van Zandt, the Senate, at 10:10 o'clock a. m., stood at ease subject to the call of the President.

The Senate was called to order at 10:35 o'clock a. m. by the President.

Senate Bill on First Reading

By unanimous consent, the following bill was introduced, read first time and referred by the President to the Committee on Finance: